THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.9481 OF 2006

BETWEEN:

M/s Nagarjuna Engineering Services

And others

…Petitioners

and

The A.P. Power Generation Corporation

And another

.. Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.9481 OF 2006

ORAL ORDER:

The petitioners are all contractors with the Rayalaseema Thermal Power Project and as a facility provided in respect of the works awarded to them, they

were allotted certain quarters belonging to the Rayalaseema Thermal Power Project.

By the impugned proceedings, the petitioners' were informed that the first respondent corporation is under urgent need of the quarters earlier allotted to the petitioners, to cater to the need of the employees of the corporation, namely engineers.

Instructions in this behalf were issued by the Chief Engineer of the first respondent corporation to ensure vacation of the quarters, so as to make them available to the employees of the Thermal Power Project. Consequently the impugned notice, dated 25.05.2006, was issued by the second respondent asking the petitioners to vacate the quarters failing which coercive steps will be taken.

The occupation of the quarters by the petitioners is under the terms and conditions of a non-statutory contract between the petitioners and the first respondent corporation. Whether the requisition of the quarters by the first respondent corporation for catering to its establishment staff tantamounts to violation of the terms and conditions of the contract between the parties is an issue that is more properly determined before a civil Court of competent jurisdiction or in arbitration, if there be an arbitration clause. No public law issue arises for adjudication by this Court in this writ petition.

In the aforesaid circumstances, the writ petition is dismissed. The petitioners are at liberty to pursue proper remedies available to them. No costs.

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28-04-2006

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